

Zimmermans Four Corners Store
RR 1, Box 110
Superior, Wisconsin

Bid Round 08, Commerce #54880-9801-10, WDNR #03-16-171825

Responses to Questions Related to Bid Solicitation

1. The DNR will of course share the site investigation consultant's Site Investigation Report with other interested bidders. Does the DNR similarly share the site investigation consultant's Remedial Action Plan? If the RAP is made public, the site investigation consultant's preliminary cost estimate included in the RAP would also become public, imposing a disadvantage on the site investigation consultant in the bidding process.

Response:

The Remedial Action Plan is not made public unless it was included in the Site Investigation Report.

2. With regard to "Closed Remedial Status," is the bid awarded in part on the choice of what form of closure is sought? For this project, we are planning for an unrestricted closure. If awarded the job, we would work toward an unrestricted closure. During the course of the project, conditions for a less restrictive closure would occur sooner than conditions for the unrestricted closure. What assurance do we and the RP have that the PECFA Board will not cut the reimbursement arbitrarily at some mid-point in the project expenses associated with a less restrictive closure?

Response:

Please refer to the Bid Document, Section 3 - Conditions of Bid, which states in part: "The successful bidder will be the entity that complies with all provisions of the bid specification and provides the lowest total cost to a defined site closure or no further action required decision. The closure or no further action decision will be made by either the Department of Commerce or the Department of Natural Resources, depending on statutory site assignment. PECFA funding under s. 101.143, Stats., will terminate when the responsible agency determines that institutional controls and notices, if utilized, would achieve a closed remedial status. PECFA funding will terminate regardless of whether the responsible party or other properties accept an institutional controls and notices as required under NR 726."

3. Are we expected to secure all contractor bids for the project prior to making our overall project estimate, or the contractor service costs allowed to vary according to later contractor bidding? It appears that consultants' liability may become stretched (*sic*) yet again to more fully cover the estimates and performances of the separate contractors (who traditionally contract with and bill the RP directly, sometimes excluding the consultant from the immediate oversight (*sic*) of their invoices).

Response:

Yes, you are supposed to get the bids as close as possible to what the real cost will be. The approved costs will be costs to closure and no contingency language will be allowed in the bid you submit. That is immediate cause for the bid to be non-compliant.

4. It is unclear how the notification of a contract award is handled by the Dept. of Commerce. Is a contact made between the DOC and the successful consultant?

Response:

The public bidding process merely establishes the maximum reimbursable amount (cost cap) to achieve a closed remedial action status. This information, along with the proposed remedial option, is then presented to the PECFA claimant, along with the name and contact information for the lowest identified bidder (the lowest identified bidder is also carbon copied on this notification). It is then up to the claimant to contract with the lowest identified bidder or another service provider. In any event, the contract is between the claimant and whichever consultant the claimant decides to hire. The claimant should then notify Commerce in writing of their consultant selection.